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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,373

05/23/2006

Jacques Pernot

MICROM27

2074

7590

11/28/2007

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EXAMINER

WILSON, JOHN J

ART UNIT

PAPER NUMBER

3732

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/580,373	<b>Applicant(s)</b> PERNOT ET AL.	
	<b>Examiner</b> John J. Wilson	<b>Art Unit</b> 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 43 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no adequate description or showing in the drawings of how to make and use the combined embodiments of a turbine with barrel and output pinion assembly.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43 and 45-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 43, a turbine appears to be contradictory to the pinion driven embodiment of claim 33. In claims 45-60, the term "belt" is held to be misdescriptive and changing the normal meaning of the term.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-42, 45, 46, 54-61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uejima et al (5902105) in view of Nakanishi (5011408). Uejima shows a dental handpiece 11, tool holder assembly, Fig. 4, body 13, head 14, electrically insulated body and head, column 6, lines 21-44, the head and housing have openings that are inherently capable of introducing components for assembly, electric connections 31, 37 with a casing 18, Fig. 2, barrel pinion 14d and output pinion 14g that are electrically conductive, column 5, lines 33-40. Uejima does not show forming the body as a unitary part. Nakanishi shows a handpiece 10 having a body 13 and head 12 formed as a unitary body, see Fig. 1, a head opening to allow assembly of component parts, see 18 in Fig. 1, a body opening to allow assembly of component parts, see 21 in Fig. 1, and shows a body opening at the other end, see Fig. 4. It would be obvious to one of ordinary skill in the art to modify Uejima to include a unitary body with apertures for assembly as shown by Nakanishi in order to improve manufacturing and lower costs. As to claims 35-41, the specific metal parts that are used to conduct electricity would be an obvious matter of choice to one of ordinary skill in the art in using the desired path within the body for the electricity to take. As to claim 45, Nakanishi shows using an elastic element (belt) 18a. As to claim 47, the specific shape of the element (belt) is an obvious matter of choice in the shape of a known structure to obtain a predictable result in opening and closing the tool holding part. As to claim 54, Nakanishi shows using a split structure 118a, Fig. 6. As to claim 63, Uejima teaches using synthetic resin, the

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process of making by molding is an obvious matter of choice in the process of forming the shown structure.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uejima et al (5902105) in view of Nakanishi (5011408) as applied to claim 33 above, and further in view of Lohn (4504227). The above combination does not show using a turbine. Lohn teaches using a turbine drive 8 as an alternative. It would be obvious to one of ordinary skill in the art to modify the above combination to include using a turbine as shown by Lohn in order to better drive the output shaft.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uejima et al (5902105) in view of Nakanishi (5011408) as applied to claim 33 above, and further in view of Hutchinson (2263808). The above combination does not show a grease cavity. Hutchinson teaches grease in cavities that go through orifices to pinion parts. It would be obvious to one of ordinary skill in the art to modify the above combination to include a grease cavity as shown by Hutchinson in order to better lubricate the pinion.

Claims 47, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uejima et al (5902105) in view of Nakanishi (5011408) as applied to claim 33 above, and further in view of Nemmers (1292632). The above combination does not show an element (belt) with extremities in notches. Nemmers shows a notch and two

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extremities D, C5 that can be used by applying manual forces for releasing the element (belt). It would be obvious to one of ordinary skill in the art to modify the above combination to include extremities as shown by Nemmers in order to better attach and remove the tool.

Claims 49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uejima et al (5902105) in view of Nakanishi (5011408) and Nemmers (1292632) as applied to claim 47 above, and further in view of Helfenbein et al (6227854). The above combination does not show using a conical part for holding the tool. Helfenbein teaches using a conical part 13. It would be obvious to one of ordinary skill in the art to modify the above combination to include using a conical shape as shown by Helfenbein in order to better attach and remove the tool.

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uejima et al (5902105) in view of Nakanishi (5011408) as applied to claim 61 above, and further in view of Grubbs (5575647). The above combination does not show a head angle as claimed. Grubbs teaches mounting the head at an angle between 100 and 130 degrees. It would be obvious to one of ordinary skill in the art to modify the above combination to include using a head angle as shown by Grubbs in order to better reach areas in the mouth.

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Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uejima et al (5902105) in view of Nakanishi (5011408) as applied to claim 63 above, and further in view of Nemetz et al (6149430). The above combination does not show using a polymer or using PEEK material. Nemetz teaches forming a handpiece by molding a polymer and teaches using polyphenylene sulfide, column 10, line 44. It would be obvious to one of ordinary skill in the art to modify the above combination to include a handpiece made by molding PEEK material as taught by Nemetz in order to produce an economical handpiece in the desired shape.

### ***Specification***

The substitute specification filed October 10, 2007 has been entered.

The specification is objected to for misuse of the normal meaning of the term "belt".

### ***Response to Arguments***

Applicant's arguments filed October 10, 2007 have been fully considered but they are not persuasive. Applicant's remarks are held to be moot in view of the newly applied references and rejections.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***/John J Wilson/  
Primary Examiner  
Art Unit 3732***

jw  
November 23, 2007